



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

LCC:ddj
Docket No: 8101-98
16 February 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 5420 PERS 862 of 14 January 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

5420

PERS-862

JAN 14 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION
OF NAVAL RECORDS (BCNR)

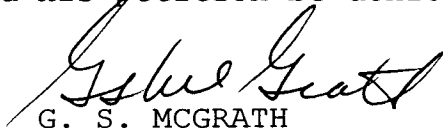
Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATIONS IN THE CASE OF
[REDACTED]

Ref: (a) Assistant for BCNR Matters 5420 PERS-00ZCB Memo of
16 Dec 99
(b) BUPERSINST 1430.16D

Encl: (1) BCNR File #08101-98

1. Per reference (a), the following comments and recommendations are submitted concerning Petty Officer Potter's case.
2. Per reference (b), paragraph 817, advancement to the next higher paygrade is authorized as a result of participation in a Navywide advancement examination cycle, provided the member's final multiple score (FMS) is equal to or greater than the final multiple score required for that cycle. [REDACTED] final multiple score for the August 1997 (Cycle 061) advancement examination was 202.17 and he was credited with four award points. The final multiple score required for Cycle 061 was 206.67. Had Petty Officer [REDACTED] been credited with the three additional awards, he would still be short of the final multiple required for advancement.
3. In view of the above, there is no justification for backdating his advancement and we recommend his petition be denied.


G. S. MCGRATH
By direction